

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ANTONIO PECK, a minor, by and through  
his parents and next friends, JO ANNE PECK  
and KENLEY LESTER PECK,**

**Plaintiff,**

**vs.**

**5:99-CV-1847**

**BALDWINVILLE CENTRAL SCHOOL DISTRICT,  
CATHERINE MCNAMARA ELEMENTARY SCHOOL,  
ROBERT CREME, individually and in his official capacity  
as Principal of Catherine McNamara Elementary School,  
and THEODORE GILKEY, individually and in his official  
capacity as Superintendent for Baldwinsville Central School  
District,**

**Defendants.**

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**ORDER**

In a Summary Order filed on October 26, 2009, the Second Circuit vacated the judgment in this case and remanded with instructions to dismiss the complaint for lack of subject-matter jurisdiction. Accordingly, it is hereby

**ORDERED** that the complaint is **DISMISSED** for lack of subject matter jurisdiction; and it is further

**ORDERED** that the Clerk of the Court enter judgment accordingly and close this case.

**IT IS SO ORDERED.**

Date: January 12, 2010

  
Norman A. Mordue  
Chief United States District Court Judge